

REMARKS

Claims 1, 2, 12, 14-17, 25, 26, 31, 33, 34, 56, 57, 62, 64, 65, 75, and 77-80 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,768,517 (hereinafter referred to as "the Limberg patent"). Based on the following remarks, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

Applicant respectfully submits that the rejection under 35 U.S.C. § 102(e) is improper for at least the following reason. In a rejection under 35 U.S.C. § 102, each and every claimed element must be present in the applied reference. However, as will be explained below, the cited reference does not disclose every element or the combination of elements of the rejected independent claims. For at least this reason, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

Limberg appears to disclose "incorporating echo-cancellation reference (ECR) signals into a DTV signal" (col. 6, lines 17-18). In contrast, Applicant's claimed invention is directed to "inserting digital data into a digital television (DTV) broadcast signal" (claim 1). Applicant's claim 1 is exemplary, and is repeated below for convenience.

1. A method for inserting digital data into a digital television (DTV) broadcast signal, the DTV signal comprising a plurality of frames, each frame comprising a plurality of data segments, the method comprising:
encoding the digital data as codewords; and
replacing data segments within the DTV signal with the codewords.

Referring to page 2 of the Office Action, it is asserted that the step of "encoding the digital data as codewords" is taught by the Limberg patent at col. 9, lines 50-63 and FIG. 4. The cited material appears to disclose a "trellis encoder 08, which performs 2/3 rate trellis coding" (Limberg col. 9, lines 54-55). From the previous paragraph of Limberg, it appears that what is being coded by trellis coder 08 is the **data segments** of the DTV signal, rather than Applicant's claimed "**digital data**" which, after "encoding the digital data as codewords" is used for "**replacing data segments** within the DTV signal."

At page 2 of the Office Action, it is further asserted that the step of "replacing data segments within the DTV signal with the codewords" is taught by the next paragraph of the Limberg patent (bridging cols. 9 and 10), which appears to disclose a "time-division multiplexer 11" that **"inserts a data field synchronization (DFS) signal into the trellis-coded signal before data segment 2 of each transmitted data field"** (col. 9, line 65 to col. 10, line 1). In contrast, Applicant claims **"replacing data segments ... with codewords"** (claim 1). Thus while the Limberg patent appears to disclose inserting synchronization signals, Applicant claims replacing data segments with codewords of digital data.

The above discussion applies to the other rejected independent claims and the rejected dependent claims as well. Therefore, for at least the reasons given above, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 13, 32, 63 and 76 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the Limberg patent in view of U.S. Patent No. 6,816,628. Because each of these claims depends from one of the claims discussed above, Applicant respectfully requests that the rejection be reconsidered and withdrawn for the reasons given above.

Claims 44, 45 and 47 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over the Limberg patent in view of U.S. Patent Application Publication US 2001/0046262. Applicant's claim 44 includes elements similar to those discussed above. Claims 45 and 47 depend upon claim 44. Applicant therefore respectfully requests that the rejection be reconsidered and withdrawn for the reasons given above.

Allowable Subject Matter

Applicant thanks the Examiner for the indication of allowable subject matter regarding claims 3-11, 18-24, 27-30, 35-43, 46, 48-55, 58-61, 66-74, and 81-87.

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Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this application. Filed herewith is a Petition for Automatic Extension with the required fee. However, should there remain unresolved issues that require action, it is respectfully requested that the Examiner telephone Richard A. Dunning, Jr., Applicant's Attorney, at 831.420.0561 so that such issues may be resolved as expeditiously as possible.

Date: _____

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Respectfully submitted,


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